

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONICA LAHMAN, o/b/o Bill Lahman
deceased,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 3:13-cv-05879-RBL-KLS

REPORT AND RECOMMENDATION
DENYING APPLICATION TO PROCEED
IN FORMA PAUPERIS

Noted for November 1, 2013

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). Because plaintiff's application indicates she has sufficient income with which to pay the \$400.00 filing fee, the undersigned recommends that the court deny the application.

DISCUSSION

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the Court has broad discretion in denying an application to proceed *in forma pauperis*. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government to incur the filing fee because she allegedly is unable to afford the costs necessary to proceed with her cause of action.

REPORT AND RECOMMENDATION - 1

1 In her application, plaintiff states she is presently employed and has a net monthly salary
2 of \$4,000. See ECF #1, p. 1. Plaintiff also states she has \$1,000 in her checking account and
3 another \$2,000 in her savings account. See id. at p. 2. Because it appears plaintiff has sufficient
4 funds with which to pay the Court filing fee – particularly given that there are no other persons
5 who are dependent upon her for support – it is not unreasonable to expect her to pay the required
6 Court filing fee.

8 CONCLUSION

9 Because it is reasonable for plaintiff to incur the costs to proceed with this cause of
10 action, the undersigned recommends that the Court deny her application to proceed *in forma*
11 *pauperis*. Accordingly, the undersigned also recommends that the Court order plaintiff to pay
12 the required filing fee within thirty (30) days of the Court's order.

13 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedures ("Fed. R. Civ.
14 P.") 72(b), the parties shall have **fourteen (14) days** from service of this Report and
15 Recommendation to file written objections thereto. See also Fed.R.Civ.P. 6. Failure to file
16 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474
17 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
18 directed set this matter for consideration on **November 1, 2013**, as noted in the caption.

19 DATED this 10th day of October, 2013.

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24 Karen L. Strombom
25 United States Magistrate Judge
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